IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25209 of 2004

Between:

Dappili Srinivas Reddy, S/o Narasi Reddy,
R/o Pullareddypalli Village, Komarolu Mandal,

Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Markapuram,

Prakasam District.
2 The Joint Collector, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus, declaring action of the 1st respondent in issuing the impugned proceedings vide Rc.H.No. 2123/2004, dated 8-12-2004 suspending the petitioner as Fair Price Shop dealer for a period of 2 months is arbitrary, illegal and violation of principles of natural justice in the interest of justice .

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

Petitioner is the dealer of a fair price shop of Pullareddy Palli Village, Komarolu Mandal, Prakasam District. The 1st respondent suspended the authorization of the petitioner through orders dated 08.12.2004. Aggrieved thereby, petitioner preferred an appeal before the 2nd respondent together with an application for grant of stay. The 2nd respondent is said to have rejected the application for grant of stay. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

From a perusal of the order, dated 08.12.2004, passed by the 1st respondent, it is evident that the authorization of the petitioner was suspended for a period of two months. Though it is said to be pending enquiry, the very fact that the period for which the suspension is ordered discloses that it is resorted to, as a measure of substantive penalty. It can be done only after issuance of a notice and considering the explanation. In this case, the show cause notice was issued to the petitioner and he submitted his explanation. Except stating that an explanation was submitted, the 1st respondent did not state as to whether the explanation is acceptable or not. Further, the suspension is ordered on the ground that an enquiry is required to be held. The very purpose of issuance of notice is to conduct enquiry. Placing the petitioner under suspension for a definite period, on the ground that further enquiry is

to be held, that too after the petitioner had already submitted his explanation, does not accord with the relevant provisions of law. The impugned order is, *prima facie,* in contravention of clause 5(4) of A.P. Public Distribution System Control Order, 2001. Any further discussion on this aspect is likely to have its impact on the appeal as well as the original proceedings before the 1st respondent.

Hence, the writ petition is disposed of directing that the suspension ordered against the petitioner shall stand stayed till the 2nd respondent disposes the appeal. There shall be no order as to costs.

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(L.NARASIMHA REDDY,J)

Date: 19-01-2005

Note: Furnish copy

in three days.

(B/o.)

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To

1 The Revenue Divisional Officer, Markapuram,

Prakasam District.

2 The Joint Collector, Ongole, Prakasam District.

3 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

4 2CD copies.